

00862.002098.

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: Sean M. Reilly
TOSHIAKI IGARASHI, et al.)
: Group Art Unit: 2153
Application No.: 09/017,295)
: Filed: February 2, 1998)
: For: NETWORK DATABASE)
: CONTROL DEVICE AND)
: METHOD THEREOF) December 28, 2006

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants request review of the July 28, 2006 Final Rejection, the period for response to which having been extended to December 28, 2006 by the accompanying Petition For Extension Of Time with fee. No amendments are being filed with this request.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

December 28, 2006
(Date of Deposit)

John D. Magluyan, Reg. No. 56,867
(Name of Attorney for Applicant)

Signature

December 28, 2006
Date of Signature

REMARKS

I. Status Of The Claims

Currently Claims 1 to 3, 60, 62, 64 to 69, 74, 75, 77 to 79, 84, 85 and 87 to 99 are under examination in this application, with Claims 1 to 3, 90, 93 and 96 to 99 being in independent form. Claims 1 to 3, 60, 62, 64 to 69, 74, 75, 77 to 79, 84, 85 and 87 to 99 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,778,377 (Marlin) in view of “Windows 95 Printer Driver Operation Manual” (the ‘95 Manual) and further in view of U.S. Patent No. 5,737,599 (Rowe).

II. The Claimed Invention

Applicants’ claimed invention is generally directed to acquiring information related to a selected network device of a plurality of network devices, and displaying acquired information of the selected network device. First partial sheet information related to the selected network device is acquired, by communicating with the selected network device, via a network. The acquired first partial sheet information is displayed on a first sheet of a device window, wherein the first partial sheet information is part of information related to the selected network device. Second partial sheet information related to the selected network device is acquired, by communicating with the selected network device, via the network in response to a user’s selection of a second sheet of the device window. The acquired second partial sheet information is displayed on the second sheet of the device window, wherein the second partial sheet information is part of information related to the selected network device.

II. There Are Clear Errors In The Examiner's Rejections

- A. The features of (i) acquiring first partial sheet information related to a selected network device, by communicating with the selected network device, via a network, and (ii) acquiring, in response to a user's selection of a second sheet, second partial sheet information related to the selected network device, by communicating with the selected network device, via a network are not met by Marlin and the '95 Manual.

In the July 28, 2006 Office Action, the Examiner alleges the following: "it is apparent that Marlin teaches retrieval of information only upon selection of a report (i.e., 'sheet') and when combined with Windows 95 printer tabbed window functionality, each tab would load a respective report upon selection of the tab" (see Office Action, page 3). Applicants respectfully disagree.

Marlin is seen to disclose a GUI contains several features, including chain actions, accomplished by double clicking on a particular location in the display. Double clicking may be used to invoke another report, update a dialogue box, display a byte map, etc. (see Marlin, column 14, lines 52 to 56).

Applicants have previously indicated that although Marlin may be seen to disclose that double clicking can be used to invoke another report, Marlin is not seen to disclose or suggest that such double clicking is associated with a separate acquisition of second partial sheet information related to a selected network device (see, e.g., page 22 of the May 8, 2006 Amendment and page 14 of the January 13, 2006 Supplemental Preliminary Amendment). Instead, Marlin is seen to disclose a one-to-one correspondence between displayed windows and different network devices. As such, Marlin is seen to acquire a complete (rather than partial) set of information for a device, and to display the acquired information to a user in a single window.

Applicants have also previously indicated that the '95 Manual is not seen to compensate for the deficiencies of Marlin. In particular, although the '95 Manual may be seen to disclose that a window has a plurality of sheets, the '95 Manual is not seen to disclose or suggest the timing for acquiring first and second partial sheet information (see, e.g., page 23 of the May 8, 2006 Amendment and page 15 of the January 13, 2006 Supplemental Preliminary Amendment).

Thus, foregoing features (i) and (ii) are not met by Marlin and the '95 Manual. Furthermore, Marlin and the '95 Manual are not seen to suggest the attendant benefits provided by these features, such as a quicker display of an initial sheet of a window, even if the window has a plurality of sheets to be displayed.

B. The Examiner fails to provide sufficient motivation for modifying Marlin in view of Rowe.

The Examiner cites to column 2, lines 20 to 27 of Rowe, for the alleged disclosure of a system which only provides an information portion request instead of providing a whole set (document) of information. In addition, the Examiner asserts that it would have been obvious to modify the system of Marlin in view of Rowe, in order to permit a user to quickly view the requested information portion without the delay incurred in retrieval of the whole set of information (see Office Action, page 3). Applicants respectfully disagree.

As previously submitted, those skilled in the art would not rely on the teachings of Marlin in view of Rowe when addressing the problems addressed by the invention herein. As noted above, Marlin is not seen to disclose the acquisition of sheet information which is partial. Therefore, one of ordinary skill in the art would not look to Rowe's description of an information portion request from the description of Marlin (see, e.g., page 24 of the May 8, 2006 Amendment).


In this regard, Rowe is seen to be directed to the optimization of page-based electronic documents, and not to the field of network management. Obtaining partial data for page-based electronic documents is seen to be less complex than obtaining partial information for a network device. In Rowe, partial data is relatively simple to obtain, since the document is already been divided into pages. For a network device, however, it may be necessary to define and implement mechanisms for acquiring information which is partial.

It was also previously submitted that the Examiner's stated motivation to combine Marlin with Rowe (i.e., to permit a user to quickly view the requested information portion without the delay incurred in retrieval of the whole set of information) is a post-hoc rationalization for making the combination, which is not supported by any teachings in the prior art itself. While it may be a general objective to quickly view requested information with reduced delay, this objective does not provide any suggestion of the means by which this objective might be attained (see, e.g., page 24 of the May 8, 2006 Amendment).

IV. Conclusion

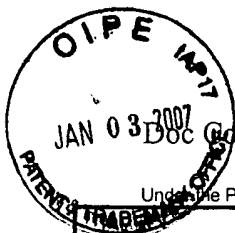
Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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on December 28, 2006

Signature

Typed or printed name

John D. Magluyan

Application Number

09/017,295

Filed

February 2, 1998

First Named Inventor

TOSHIAKI IGARASHI

Art Unit

2153

Examiner

Sean M. Reilly

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 56,867☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

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Typed or printed name

714-540-8700

Telephone number

December 28, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒*Total of 4 forms are submitted.

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